IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES

In re Application of: Anders Vinberg

Serial No.:   10/091,065

Filing Date: March 4, 2002

Group Art Unit: 2448

Examiner: Philip C. Lee

Confirmation No.:   8010

Title: METHOD AND APPARATUS FOR GENERATING CONTEXT-

DESCRIPTIVE MESSAGES

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

REPLY BRIEF

Pursuant to 37 C.F.R. § 1.193, Appellant respectfully files this Reply Brief in response to the Examiner's Answer dated January 21, 2010.

ARGUMENTS

Appellant filed an Appeal Brief on August 25, 2009 and a Corrected Appeal Brief on October 21, 2009, explaining clearly and in detail why the rejections of the claims in the final *Office Action* are improper. Specifically, Appellant demonstrated that Claims 1, 3-9, 11 and 13-20, and 31-36 are allowable over the cited references. While Appellant appreciates the Examiner's thoughtful consideration of this case and the Examiner's response in the Examiner's Answer dated January 21, 2010, Appellant respectfully submits that these rejections continue to be improper and should be reversed by the Board.

I.   **Claims 1, 3-5, 9, 11, 13-15, and 36 are allowable under 35 U.S.C. § 103(a) over the proposed *Touboul-Dev-Jacobs* combination**

In the Appeal Brief, Appellant sought to demonstrate that the proposed *Touboul-Dev-Jacobs* combination does not disclose, teach, or suggest the combination of elements recited in Appellant's claims. Specifically, Appellant sought to demonstrate that the proposed *Touboul-Dev-Jacobs* combination does not disclose, teach, or suggest "receiving, in response to the reporting of the alert condition, a user-generated **text-based dialogue** request **specifying a user defined type of context data** for the subject system object," as recited in Claim 1. In the *Examiner's Answer*, the Examiner continues to point to the *Dev* for disclosure of the recited claim elements. (*Examiner's Answer*, page 16-17). Appellants continue to respectfully disagree.

Specifically, the Examiner states that "Dev teaches a user can specify (i.e., user defined) severity of an event/alarm for the system object to be displayed (i.e., type of context data for the subject system object, e.g., "Condition Red" in 420, fig. 10) (col. 8, lines 11-14; col. 15, lines 11-29)." (*Examiner's Answer*, pages 16-17). However, *Dev* merely discloses that a "user can **specify model types and a minimum event severity for which events will be displayed** on the user screen." (*Dev*, col. 8, lines 11-14, emphasis added). According to *Dev*, "[e]vents from unspecified model types or less than the minimum severity will not be displayed." (*Dev*, col. 8, lines 11-14 (emphasis added)). To the extent that the user can select a minimum event severity for limiting the number of events that are displayed, this user input is received prior to the events/alarms are generated. As such, the user input of the minimum

severity is not "in response to the reporting of the alert condition" and, thus, does not meet Appellant's claim limitations.

In the *Examiner's Answer*, the Examiner further states that

> Dev further teaches a user clicking (i.e., user generated) on the "Condition Red" alarm on an alarm log (in response to the reporting of the alert condition to obtain more information (i.e., request specifying a user defined type of context data) (col. 15, lines 11-29). This means the user generates a request by clicking on the text (i.e., user generated text based request) indicating a "Condition Red", which is a user defined type of context data for the system object (i.e., specifying a user defined type of context data), in order to obtain more information. Furthermore, the user clicking to request a machine response that forms a "conversation" is interpreted as "dialogue request". Therefore, Dev teaches receiving, in response to the reporting of the alert condition (i.e., in response to the alarm on the alarm log), a user-generated text-based dialogue request (i.e., receiving a user click on the text of the "Condition Red" to ask for more machine response) specifying a user defined type of context data for the subject system object (i.e., the user clicking on the "Condition Red" precisely tells the machine more information is wanted on the user defined type of severity of an alarm.

(*Examiner's Answer*, page 17). However, Appellant respectfully points out that Appellant's claim requires "a user-generated text-based dialogue request." Thus, the claim requires that the request be based in text. The clicking on a portion of text does not comprise a text-based dialogue request. Applicant notes the Examiner's defining of the term "textually" as meaning "in or with regard to the text of something" in accordance with Webster's 3rd New International Dictionary. (*Examiner's Answer*, page 17). However, the term "textually" does not occur in Applicant's Claim 1. If one is to refer to the dictionary for guidance with regard to Appellant's Claim 1, one should refer to the definition of "text" for guidance of the term "text-based." According to Webster's 3rd New International Dictionary, "text" may be defined as including, *inter alia*:

> 1 a (1) : the original written or printed words and form of a literary work .
> . . (2) : an edited or amended copy of the wording of an original work . .
> .1 b: a work containing such text . . .

> 2 a : the main body of printed or written matter on a page exclusive of headings, running title, footnotes, illustrations, or margins b : the principal part of a book exclusive of front and back matter . . . c : the printed score of a musical composition . . .

Thus, the dictionary definition of text supports Appellant's argument that Appellant's claim requires a user-generated written or printed dialogue request. Again, it is Appellant's opinion that clicking on a portion of displayed text is not a "user-generated text-based dialogue request."

Further, it continues to be Appellant's position that "clicking on the condition red", as disclosed in *Dev*, <u>does not allow</u> (i) specification of the type of context data to be requested or (ii) the user to specify a user defined type of context data. To the contrary, *Dev* makes it clear that no such specification by the user is possible. *Dev* merely discloses that by clicking on a particular alarm, the user may generically obtain "more information." (*Dev*, col. 15, lines 16-18). The alleged request of *Dev* does not allow specification of the type of context data requested by the user or the user to specify a user defined type of context data. In fact, *Dev* is completely devoid of any teaching that the alleged request "specif[ies] a <u>user defined</u> type of context data" as recited in Claim 1.

For at least these reasons, Appellant submits that the act of "clicking on the condition red" as argued by the Examiner does not disclose, or even teach or suggest, "a user-generated text-based dialogue request specifying a user defined type of context data" recited in Claim 1. Consequently, Appellant respectfully contends that Claim 1 and each of its dependent claims (e.g., Claims 3-5 and 36) are in condition for allowance. For analogous reasons, Appellant further contends that Claims 9 and 11 and each of their dependent claims (e.g., Claims 13-15) are in condition for allowance.

II.   Claim 8 is allowable under 35 U.S.C. § 103(a) over the proposed *Touboul-Dev-Jacobs* combination

In the Appeal Brief, Appellant sought to demonstrate that the proposed *Touboul-Dev-Jacobs* combination does not disclose, teach, or suggest the combination of elements recited in Appellant's Claim 8. Specifically, Appellant sought to demonstrate that the proposed *Touboul-Dev-Jacobs* combination does not disclose, teach, or suggest "receiving, in response to the reporting of the alert condition, a user-generated **text-based dialogue** request **textually requesting** context data for the subject system object," as recited in Claim 8.   In the *Examiner's Answer*, the Examiner continues to point to the *Dev* for disclosure of the recited

claim elements. (*Examiner's Answer*, page 16-17). Appellants continue to respectfully disagree.

As discussed above, the Examiner states that "Dev teaches a user can specify (i.e., user defined) severity of an event/alarm for the system object to be displayed (i.e., type of context data for the subject system object, e.g., "Condition Red" in 420, fig. 10) (col. 8, lines 11-14; col. 15, lines 11-29)." (*Examiner's Answer*, pages 16-17). However, *Dev* merely discloses that a "user can **specify model types and a minimum event severity for which events will be displayed** on the user screen." (*Dev*, col. 8, lines 11-14, emphasis added). According to *Dev*, "[e]vents from unspecified model types or less than the minimum severity will not be displayed." (*Dev*, col. 8, lines 11-14 (emphasis added)). To the extent that the user can select a minimum event severity for limiting the number of events that are displayed, this user input is received prior to the events/alarms are generated. As such, the user input of the minimum severity is not "in response to the reporting of the alert condition" and, thus, does not meet Appellant's claim limitations.

In the *Examiner's Answer*, the Examiner further states that

> Dev further teaches a user clicking (i.e., user generated) on the "Condition Red" alarm on an alarm log (in response to the reporting of the alert condition to obtain more information (i.e., request specifying a user defined type of context data) (col. 15, lines 11-29). This means the user generates a request by clicking on the text (i.e., user generated text based request) indicating a "Condition Red", which is a user defined type of context data for the system object (i.e., specifying a user defined type of context data), in order to obtain more information. Furthermore, the user clicking to request a machine response that forms a "conversation" is interpreted as "dialogue request". Therefore, Dev teaches receiving, in response to the reporting of the alert condition (i.e., in response to the alarm on the alarm log), a user-generated text-based dialogue request (i.e., receiving a user click on the text of the "Condition Red" to ask for more machine response) specifying a user defined type of context data for the subject system object (i.e., the user clicking on the "Condition Red" precisely tells the machine more information is wanted on the user defined type of severity of an alarm.

(*Examiner's Answer*, page 17). However, Appellant respectfully points out that Appellant's claim requires "a user-generated text-based dialogue request." Thus, the claim requires that the request be based in text.

Applicant notes the Examiner's defining of the term "textually" as meaning "in or with regard to the text of something" in accordance with Webster's 3rd New International Dictionary. (*Examiner's Answer*, page 17). However, Applicant's claim does not merely recite the term "textually" in the abstract. Rather, Appellant's claim requires that the request "textually request" context data. If one considers the definition of "textually" as important to discerning Appellant's claim language, one should equally consider the definition of "text" as being important to discerning Appellant's claim language. As stated above with regard to Claim 1, Webster's 3rd New International Dictionary defines "text" as including, *inter alia*, "the original written or printed words and form of a literary work." Thus, the dictionary definition of both "textually" and "text" supports Appellant's argument that Appellant's claim requires a user-generated request that is based in writing or print.. Again, it is Appellant's opinion that clicking on a portion of displayed text is not a "user-generated text-based dialogue request." Certainly, clicking on a portion of displayed text is not a request that "textually requests" context data.

For at least these reasons, the clicking on "Condition Red", as disclosed in *Dev*, is not a "user-generated text-based dialogue request textually requesting context data," and it continues to be Appellant's position that the act of "clicking on the text of the severity of 'Condition Red'" as argued by the Examiner does not disclose, or even teach or suggest, "receiving, in response to the reporting of the alert condition, a user-generated text-based dialogue request textually requesting context data for the subject system object," as recited in Claim 8. For at least these reasons, Appellant respectfully contends that Claim 8 is in condition for allowance.

III. Claim 33 is allowable under 35 U.S.C. § 103(a) over the proposed *Touboul-Dev-Jacobs* combination

In the Appeal Brief, Appellant sought to demonstrate that the proposed *Touboul-Dev-Jacobs* combination does not disclose, teach, or suggest the combination of elements recited in Appellant's Claim 33. Specifically, Appellant sought to demonstrate that the proposed *Touboul-Dev-Jacobs* combination does not disclose, teach, or suggest that "the type of user defined context data is selected from the group consisting of location information for the subject system object, logical relationship information of the subject system object to other system objects, operational status information of the subject system object, or information regarding interest/business groups associated with the subject system object," as recited in

Claim 33. In the *Examiner's Answer*, the Examiner continues to point to the *Dev* for disclosure of the recited claim elements. (*Examiner's Answer*, page 18). Appellants continue to respectfully disagree.

Specifically, the Examiner states that "*Dev* teaches a user can specify (i.e., user defined) severity of an event/alarm for the system object to be displayed (i.e., type of context data for the subject system object, e.g., "Condition Red" in 420, fig. 10) (col. 8, lines 11-14; col. 15, lines 11-29)." (*Examiner's Answer*, page 18). Appellant respectfully notes, however, that Appellant's Claim 33 depends from Claim 1. Thus, Claim 33 further clarifies that the "user-generated text-based dialogue request," which is received "in response to the reporting of the alert condition," specifies "a user defined type of context data" that is "selected from the group consisting of location information for the subject system object, logical relationship information of the subject system object to other system objects, operational status information of the subject system object, or information regarding interest/business groups associated with the subject system object." In contrast, the cited portions of *Dev* merely relate to allowing a user to "**specify model types and a minimum event severity for which events will be displayed** on the user screen." (*Dev*, col. 8, lines 11-14, emphasis added). According to *Dev*, "[e]vents from unspecified model types or less than the minimum severity will not be displayed." (*Dev*, col. 8, lines 11-14 (emphasis added)). To the extent that the user can select a minimum event severity for limiting the number of events that are displayed, this user input is received prior to the events/alarms are generated. As such, the user input of the minimum severity is not "in response to the reporting of the alert condition" and, thus, does not meet Appellant's claim limitations. Furthermore, the selection of a minimum event severity is not analogous to any of the group consisting of "location information for the subject system object, logical relationship information of the subject system object to other system objects, operational status information of the subject system object, or information regarding interest/business groups associated with the subject system object," as recited in Claim 33.

In the *Examiner's Answer*, the Examiner also states that *Dev* further teaches the type of user defined context data is selected from any information contained in the event/alarm message (col. 8, lines 11-19)." (*Examiner's Answer*, page 18). Appellant notes, however, that *Dev* merely discloses that "[a]n event message includes a model handle, a model-type handle, an event date and time, an event type and subtype, an event severity, a model name, a

model-type name, an event user name, an event data count and event variable data." (*Dev,* Column 8, lines 5-9). None of the items disclosed by *Dev* to be included in an event message include "location information for the subject system object, logical relationship information of the subject system object to other system objects, operational status information of the subject system object, or information regarding interest/business groups associated with the subject system object," as recited in Claim 33. Further, Appellant also notes that though *Dev* states that "any information contained in the event message can be used for event filtering," user input to be used in such filtering must be received prior to alerts being generated. As such, even to the extent that a user can specify, in advance, that only certain types of event messages should be received (as disclosed in *Dev*), *Dev* does not disclose, teach, or suggest a "user-generated text-based dialogue request," which is received "in response to the reporting of the alert condition" and which specifies "a user defined type of context data" that is "selected from the group consisting of location information for the subject system object, logical relationship information of the subject system object to other system objects, operational status information of the subject system object, or information regarding interest/business groups associated with the subject system object," as recited in Claim 33.

For at least these reasons, Appellant respectfully contends that dependent Claim 33 is in condition for allowance.

IV.   Claim 34 is allowable under 35 U.S.C. § 103(a) over the proposed *Touboul-Dev-Jacobs* combination

In the Appeal Brief, Appellant sought to demonstrate that the proposed *Touboul-Dev-Jacobs* combination does not disclose, teach, or suggest the combination of elements recited in Appellant's Claim 34. Specifically, Appellant sought to demonstrate that the proposed *Touboul-Dev-Jacobs* combination does not disclose, teach, or suggest "after outputting the context message, receiving a second user-generated text-based dialogue request specifying a second user defined type of context data." In the *Examiner's Answer*, the Examiner continues to rely on *Dev* for disclosure of the recited claim elements. (*Examiner's Answer*, pages 18-19). Specifically, the Examiner again points to *Dev's* disclosure that a user can click on a particular alarm to receive more information. (*Examiner's Answer*, page 19). However, Appellant's claim requires "a second user-generated text-based dialogue request." Thus, the claim requires that the request be both user-generated and based in text. For reasons analogous to those

discussed above, with regard to Claim 1, it continues to be Appellant's position that clicking on a portion of displayed text, as disclosed in *Dev*, does not comprise a text-based dialogue request. Webster's 3rd New International Dictionary, which defines "text" as including the original written or printed words and form of a literary work and/or the main body of printed or written matter, supports Appellant's argument that Appellant's claim requires a user-generated written or printed dialogue request. Clicking on a portion of displayed text, as disclosed in *Dev*, is not a "user-generated text-based dialogue request." Therefore, *Dev* does not disclose, or even teach or suggest "after outputting the context message, receiving a second user-generated text-based dialogue request specifying a second user defined type of context data," as recited in Claim 34.

For at least these reasons, Appellant respectfully contends that dependent Claim 34 is in condition for allowance.

V. Claim 35 is allowable under 35 U.S.C. § 103(a) over the proposed *Touboul-Dev-Jacobs* combination

In the Appeal Brief, Appellant sought to demonstrate that the proposed *Touboul-Dev-Jacobs* combination does not disclose, teach, or suggest the combination of elements recited in Appellant's Claim 35. Specifically, Appellant sought to demonstrate that the proposed *Touboul-Dev-Jacobs* combination does not disclose, teach, or suggest "the user-generated text-based dialogue request **textually request** the user defined type of context data." In the *Examiner's Answer*, the Examiner continues to rely upon *Dev* for disclosure of the recited claim elements. (*Examiner's Answer*, pages 16-17). Specifically, the Examiner again points to *Dev's* disclosure that a user can click on a particular alarm to receive more information as being analogous to Appellant's "user-generated text based dialogue request." (*Examiner's Answer*, page 19). However, Appellant's claim requires that the request be both user-generated and based in text. For reasons analogous to those discussed above, with regard to Claim 1, it continues to be Appellant's position that clicking on a portion of displayed text, as disclosed in *Dev*, does not comprise a text-based dialogue request. Webster's 3rd New International Dictionary, which defines "text" as including the original written or printed words and form of a literary work and/or the main body of printed or written matter, supports Appellant's argument that Appellant's claim requires a user-generated written or printed dialogue request. The claim further requires that the request "textually request" context data. Clicking on a

portion of displayed text, as disclosed in *Dev*, is not a "user-generated text-based dialogue request." Certainly, clicking on a portion of displayed text is not a request that "textually requests" context data. Therefore, *Dev* does not disclose, or even teach or suggest "the user-generated text-based dialogue request **textually request** the user defined type of context data," as recited in Claim 35.

For at least these reasons, Appellant respectfully contends that dependent Claim 35 is in condition for allowance.

CONCLUSION

Appellant has demonstrated that the present invention, as claimed, is clearly distinguishable over the prior art cited by the Examiner. Therefore, Appellant respectfully requests the Board to reverse the final rejections and instruct the Examiner to issue a Notice of Allowance with respect to all pending claims.

No fees are believed due; however, the Commissioner is authorized to charge any additional fees or credits to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

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